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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,350	04/06/2005	Toshiaki Hiraki	L9289.04165	8382

7590

05/31/2006

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EXAMINER

BRITT, CYNTHIA H

ART UNIT	PAPER NUMBER
2138	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/510,350	Applicant(s) HIRAKI ET AL.	
	Examiner Cynthia Britt	Art Unit 2138	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/6/04 and 8/5/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-13 are presented for examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/6/04 and 8/5/05 have been considered by the examiner. Form 1449 has been signed and returned with this office action.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Reception apparatus and method using control information to determine decoding and demodulation.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, it is unclear to the examiner how the receiver would receive a 'control channel' but more likely receives data through a control channel, which contains control information.

The phrase "a receiver that receives a control channel including control information and a data channel" is unclear.

It is also unclear to the examiner if the control signal and the data signal are on the same channel or on separate channels.

The examiner would also like to point out that there appears to be some discrepancy in the language used in claim 1 pertaining to the reception of the signal. If the receiver receives the information and uses the information to compare with a reception capability then the information has already been received. Thus, the receiver would be capable of receiving the data. However, the receiver may or may not be capable of decoding or demodulating the signal received.

Also, the transmission of the ACK and NACK signals appear to be both transmitted and prohibited from being transmitted based on the claim language. Appropriate correction is required for clear understanding of the claimed invention.

As per claim 8, it is unclear to the examiner how the receiver would receive a 'data channel' but more likely receives data through a data channel and data through a control channel, which contains control information.

The phrase "determining whether a situation exists wherein the control information is a control information intended for the radio mobile station apparatus and the control information is within a scope of a reception capability of the radio mobile station apparatus," is unclear because the data must be received to determine anything about the data. Therefore, there is again some discrepancy in the language used in claim 8 pertaining to the reception of the signal. . If the receiver receives the information and uses the information to determine its intended destination (or receiver) then the information has already been received. Thus, the receiver would be capable of receiving

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the data. However, the receiver may or may not be capable of decoding or demodulating the signal received.

It is also unclear to the examiner how a data channel would have an error detection result without an appropriate device.

Appropriate correction is required for clear understanding of the claimed invention.

As per claim 9, the phrase "receiving a control channel including control information and a data channel" is unclear. It is unclear to the examiner how the receiver would receive a 'control channel' but more likely receives data through a control channel, which contains control information and data through a data channel.

The examiner would also like to point out that there appears to be some discrepancy in the language used in claim 9 pertaining to the reception of the signal. If the receiver receives the information and uses the information to compare with a reception capability then the information has already been received. Thus, the receiver would be capable of receiving the data. However, the receiver may or may not be capable of decoding or demodulating the signal received.

Also, the transmission of the ACK and NACK signals appear to be both transmitted and prohibited from being transmitted based on the claim language.

Appropriate correction is required for clear understanding of the claimed invention.

Claims 2-7 and claims 10-13 inherit the 35 U.S.C. second paragraph discrepancies of the independent claims 1 and 13 respectively, and will therefore not be further considered on the individual merits of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, and 9 rejected under 35 U.S.C. 102(e) as being anticipated by Smith U.S. Patent No. 6,799,196.

As per claims 1, 8, and 9, Smith teaches a client device, or information appliance such as a personal digital assistant, is capable of receiving multimedia data streams from a server. However, due to processing and display capabilities, the client device may not be able to present the complete data stream, or a user may elect to configure the client device not to process data that will unduly reduce the client device's performance. Accordingly, the present invention provides a method and apparatus for allowing a server to determine the native, or user selected, capabilities of a client

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device, such that the server can filter and parse the data into meaningfully presentable data and non-meaningfully presentable data, and then transmit only the meaningfully presentable data to the client device for processing and display. In an alternative embodiment, the server sends the complete data stream to the client device, and the client device filters and parses the data, and then processes only the meaningfully presentable data for display on the client device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

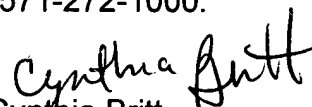
US PG Pub. 20060019610 A1 UE et al.

This publication teaches a measurement result obtainer that obtains a measurement result of the reception quality of the communication signals at the communication terminal, a transmission section that transmits a transmission signal in a communication channel from the radio communication apparatus to the communication terminal with a predetermined transmission rate, a comparison section that compares the reception quality measurement result with a respective threshold to determine the communication channel condition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Britt whose telephone number is 571-272-3815. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cynthia Britt
Examiner
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